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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,569	09/27/2001	Andreas Polz	A34646 (071308.0240)	3075

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EXAMINER

PHAM, THOMAS K

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,569

Applicant(s)

POLZ ET AL.

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 9-14, 16, 17 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8, 15 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/22/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

First Action on the Merits

Quotations of U.S. Code Title 35

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim Objections

5. Claims 4, 5, 8, 15 and 18 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *should refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claim*. See MPEP § 608.01(n). Accordingly, the claims 4, 5, 8, 15 and 18 have not been further treated on the merits.

6. Claims 1-22 are objected to because of the following informalities: the claims fail to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document. Appropriate correction is required.

7. Claims 1-3, 6-7, 9-14, 16-17 and 19-22 of U.S. Application 09/965,569 filed on 09/27/2001 are presented for examination.

Claim Rejections - 35 USC § 102

8. Claims 1-3, 6-7, 9-14, 16-17 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,167,464 ("Kretschmann").

Regarding claim 1

Kretschmann teaches an apparatus for operating and/or observing automation components, having a communication device for data communication with the automation components, in particular via radio (fig. 1), and a data processing device for processing received and to be transmitted (col. 5 lines 11-13, "the central processor 12 ... to the portable HMI 28"),

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characterized in that the apparatus is a mobile radio telephone, a personal digital assistant or a portable computer (fig. 2).

Regarding claim 2

Kretschmann teaches the data processing device can be used to evaluate the data received from the automation components with regard to the spatial distance of the respective automation component from the location of the apparatus such that a nearest automation component can be detected (col. 4 lines 44-50, "each machine 18 is ... radio link with transceiver 30").

Regarding claim 3

Kretschmann teaches having a visualization device for visualizing automation components which are in data communication with the apparatus with the aid of symbols or texts uniquely assigned to the automation components (col. 6 lines 56-67, "the key to the tailoring ... an indication of its location").

Regarding claim 6

Kretschmann teaches an authorization device for acquiring operator identification information from an operator for the purpose of establishing the authorization of the latter to operate the automation components (col. 6 lines 13-17, "the processor 12 receives ... of the HMI service program 57").

Regarding claim 7

Kretschmann teaches the authorization device can send operator unit identification information to the automation components and/or to external servers such that the automation components and/or the external servers can check the authorization of the apparatus to operate (col. 6 lines 7-10, "the user may also enter ... the RF link circuitry 34").

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Regarding claim 9

Kretschmann teaches the data processing device can be used to call up and/or process workflows for commissioning, converting and/or servicing the automation components and/or an external server (col. 5 lines 54-60, "The memory 58 also includes ... are associated with task 4").

Regarding claim 10

Kretschmann teaches having a display device for optically guiding an operator when processing, a workflow (col. 6 lines 46-55, "the display of the display/keyboard 44... problems with the control program").

Regarding claim 11

Kretschmann teaches having an input/output device for controlling and/or processing a workflow by the operator (col. 6 lines 46-55, "the display of the display/keyboard 44... problems with the control program").

Regarding claim 12

Kretschmann teaches a method for operating and/or observing automation components by communicating data to the automation components, in particular via radio (fig. 1), and processing the data received and to be transmitted (col. 5 lines 11-13, "the central processor 12 ... to the portable HMI 28"), characterized in that the data received from the automation components with regard to the spatial distance of the respective automation' component from an operating location are evaluated such that a nearest automation component can be detected (col. 4 lines 44-50, "each machine 18 is ... radio link with transceiver 30").

Regarding claim 13

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Kretschmann teaches the automation components with which data communication exists are visualized with the aid in each case of uniquely assigned symbols or texts (col. 6 lines 56-67, “the key to the tailoring ... an indication of its location”).

Regarding claim 14

Kretschmann teaches the nearest automation component is visualized by predetermined symbols or highlighting (col. 6 lines 46-49, “the display of the display/keyboard 44 ... near the portable HMI 28”).

Regarding claim 16

Kretschmann teaches acquiring operator identification information from an operator for the purpose of establishing the authorization of the latter to operate the automation components (col. 6 lines 13-17, “the processor 12 receives ... of the HMI service program 57”).

Regarding claim 17

Kretschmann teaches the communication comprises sending operator unit identification information to the automation components and/or to external servers such that the automation components and/or the external servers can check the authorization to operate (col. 6 lines 7-10, “the user may also enter ... the RF link circuitry 34”).

Regarding claim 19

Kretschmann teaches workflows for commissioning, converting and/or servicing the automation components and/or an external server are called up and/or processed (col. 5 lines 54-60, “The memory 58 also includes ... are associated with task 4”).

Regarding claim 20

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Kretschmann teaches an operator is guided optically, in particular, when processing a workflow (col. 6 lines 46-55, “the display of the display/keyboard 44... problems with the control program”).

Regarding claim 21

Kretschmann teaches workflows are controlled and/or processed by an operator (col. 6 lines 22-26, “The particular task 64 ... the task selected by the matrix 66”).

Claim Rejections - 35 USC § 103

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kretschmann.

Regarding claim 22

Kretschmann teaches the work steps carried out by the operator but does not specifically teach the work steps are logged. “Official Notice” is taken for the concept and advantages of logging the work steps of a workflow process is well known and expected in the art. U.S. Patent No. 6,601,035 by Panagos et al. teaches a work flow management system which maintain audit logs of workflow processes (see col. 2 lines 30-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to log the workflow process steps in the audit logs for the purpose of keeping track of information about the status of workflows processes.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (703) 872- 9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

TP
December 22, 2004


Anthony Knight
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